

Notice of Allowability

Application No.

10/648,152

Applicant(s)

CAIMI ET AL.

Examiner

Art Unit

Iqbal H. Chowdhury, Ph.D.

1652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/18/2007.
2. ☒ The allowed claim(s) is/are 1,2,5,8 and 10.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

DETAILED ACTION

Application Status

In response to a previous Office action, a non-final requirement (mailed on September, 11, 2006), Applicants filed an amendment on January 18, 2007, amending claims 1, 5 and 8, and canceling claim 7.

Claims 1-6, 8-34 are currently pending in the instant application. Claims 3-4, 6, 9, and 11-34 remain withdrawn remain withdrawn as they are drawn to non-elected invention.

Claims 1-2, 5, 8 and 10 are now under consideration.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christine M. Lhuller, the representative of the instant application on May 1, 2007.

Amend claims as follows:

Replace "Claim 1" with "Claim 1: An isolated nucleic acid molecule selected from the group consisting of:

- (a) a nucleic acid molecule encoding the amino acid sequence of SEQ ID NO:6;
- (b) a nucleic acid molecule that hybridizes with (a) under following the hybridization conditions: 0.1X SSC, 0.1% SDS, 65°C and washed with 2X SSC, 0.1% SDS followed by 0.1X

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SSC, 0.1% SDS, wherein said nucleic acid molecule encodes an amino acid sequence having $\alpha(1,6)$ -linked glucose oligosaccharide hydrolyzing activity; and

(c) a nucleic acid molecule that is fully complementary to (a) or (b)".

Claim 2, line 2, after "claim 1", replace "selected from the group of nucleic acid molecules consisting of SEQ ID NOs:1, 3, and 5" with "which is the nucleic acid molecule of SEQ ID NO:5".

Claim 5, lines 1 and 2, after "molecule" delete "encoding an $\alpha(1,6)$ -linked glucose oligosaccharide hydrolyzing polypeptide"

Claim 5, part (a), line 7, after "set forth in", replace "SEQ ID NOs:2, 4, 6, 17, or 31" with "SEQ ID NO:6"

Claim 5, part (b), line 10, after "SDS" insert ",wherein said nucleic acid molecule encodes an amino acid sequence having $\alpha(1,6)$ -linked glucose oligosaccharide hydrolyzing activity".

Claim 10, line 3, after ""set forth in" replace SEQ ID NO:1, SEQ ID NO:5, SEQ ID NO:16 or SEQ ID NO:30" with "SEQ ID NO:5".

Claims 3-4, 6, 9, 11-34 are cancelled.

Allowable Subject Matter

Claims 1-2, 5, 8 and 10 are allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: The applicant has claimed the isolated nucleic acid molecule of SEQ ID NO: 5 encoding the amino acid sequence

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of SEQ ID NO: 6, wherein said amino acid sequence has $\alpha(1,6)$ -linked glucose oligosaccharide hydrolyzing activity. In view of Applicants' claim amendments, and proposed Examiners amendments all prior rejections are withdrawn. The prior art does not teach the nucleic acid molecule of SEQ ID NO: 5 encoding amino acid sequence of SEQ ID NO: 6 having $\alpha(1,6)$ -linked glucose oligosaccharide hydrolyzing activity. A standard search did not produce any prior art that suggests or teaches the claimed invention. The claimed invention is novel and nonobvious over the prior art.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iqbal Chowdhury, Ph.D. whose telephone number is (571) 272-8137. The examiner can normally be reached on Monday-Friday from 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy, can be reached at (571) 272-0928.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Iqbal Chowdhury, PhD, Patent Examiner
Art Unit 1652 (Recombinant Enzymes)
US Patent and Trademark Office
Rm. REM 2B69, Mail Box. 2C70
Ph. (571)-272-8137, Fax. (571)-273-8137

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REBECCA E. PROUTY
PRIMARY EXAMINER
GROUP 1600
1600